

### **REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 1 and 3-34 were pending. By the present response, claims 1, 14 and 21 have been amended and claims 23 and 24 canceled. Thus, upon entry of the present response, claims 1, 3-22 and 25-34 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims and the drawing figures, such as FIG. 2.

Entry of the foregoing is appropriate pursuant to 37 C.F.R. §1.116 for at least the following reasons. First, the amendments raise no new issues that would necessitate further search and/or substantive reexamination. Second, the amendments clearly overcome the grounds of rejection.

### ***EXAMINER INTERVIEW***

The Examiner is thanked for his time in the telephone conversation of July 28, 2005. During the conversation, the rejections in the Final Official Action were discussed. Upon clarification of the rejections, Applicant has submitted the enclosed claims.

**ALLOWABLE SUBJECT MATTER**

Applicant notes with appreciation the indication that claims 4, 5, 22, 25-30, 31, 33 and 34 are allowed as indicated in paragraph 5 of the Official Action.

In addition, claims 24 and 32 are indicated as allowable if rewritten in independent form as noted in paragraph 7 of the Official Action. By the present response, the features of allowable claim 24 and intervening claim 23 have been added to independent claim 21, and that claim should now be considered allowable. With regard to claim 32, it is respectfully noted that claim 32 depends from allowed claim 31 and, therefore, should also be considered allowed with no further amendment.

Based on the arguments herein, it is respectfully asserted that the remaining pending claims in this application are also allowable.

**CLAIM REJECTIONS UNDER 35 U.S.C. §102**

Claims 1, 3, 6, 14, 15 and 18-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,735,406 to Weber (hereafter "*Weber*") on the grounds set forth in paragraph 3 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

With respect to the claims rejected here, it is respectfully asserted that the disclosure in *Weber* does not disclose the claimed reciprocating pivotable collecting device including two supporting sides formed with a saddle shape at a first edge and a connector between the two supporting sides at a second edge to enclose a volume and wherein the reciprocating pivotable collecting device reciprocatingly pivots about an axis positioned between the two supporting sides and passing through the

volume of independent claim 1. In addition, it is respectfully asserted that the disclosure in *Weber* does not disclose the claimed method including pivoting the collecting device about an axis positioned between two supporting sides of the collecting device and passing through a volume of the collecting device such that different portions of the folded sheet material are received by different supporting sides of the collecting device, the volume of the collecting device enclosed by at least the two supporting sides, the supporting edge and a bottom connector between the two supporting sides as presented in independent claim 14.

The Examiner has cited to *Weber* and attachment I in the last Official Action. The Examiner states that *Weber* has a pivotable collecting device (3a) including supporting sides (A and B ) arranged on opposite sides of the collecting device that pivots reciprocatingly about an axis (1). The Examiner then states that axis 1 is "between the two supporting sides."

In response to this rejection, it is respectfully noted that independent claim 1 now indicates that the collecting device includes two supporting sides formed with a saddle shape at a first edge and a connector between the two supporting sides at a second edge to enclose a volume and that the reciprocating pivotable collecting device reciprocatingly pivots about an axis positioned between the two supporting sides and passing through the volume. It is also respectfully noted that independent claim 14 now indicates that the axis passes through the volume of the collecting device enclosed by at least the two supporting sides, the supporting edge and a bottom connector between the two supporting sides.

Thus, when the amended claims are compared to the axis 1 in *Weber*, it is seen that the axis 1 is at the centerline of the rotary hub 2 on which the carriers 3 are mounted and that this axis 1 does not pass through the volume as presently claimed.

For at least the above noted reasons, an anticipatory rejection is improper because *Weber* does not disclose the invention as claimed. See MPEP § 2131. Accordingly, the rejection should be withdrawn.

### ***CLAIM REJECTIONS UNDER 35 U.S.C. §103***

Claims 1, 7-21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,099,225 to Allan et al. (hereafter "*Allan et al.*") in view of *Weber* on the grounds set forth in paragraph 4 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

The rejection of claim 21 is obviated by the amendment herein by which claim 21 has been amended to include the features of allowable claim 24 and intervening claim 23. Claims 23 and 24 have been canceled.

The rejection based on the combination of Allan et al. and *Weber* cites to *Weber* for disclosing a pivotable collecting device and a reciprocating transferring device, wherein the collecting device pivots about an axis positioned between the two supporting sides as outlined on page 5 of the Official Action. However, as noted above, features of amended independent claims 1 and 14, e.g., the axis pass through the volume, are not disclosed or suggested by *Weber*. For at least this reason, the proposed combination does not render the claims obvious and the rejection should be withdrawn.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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